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David H. Brinkman, Reg. No. 40,532	Date

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Ronald R. Weiss
Serial No.:	10/689,397
Filed:	October 20, 2003
Confirmation No.:	2876
Group Art Unit:	1761
Examiner:	Becker, Drew E.
Title:	<b>CONTROL METHODS FOR POPPING POPCORN</b>
Atty Docket:	GME-131C

Cincinnati, Ohio 45202

June 26, 2006

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Commissioner for Patents  
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**RESPONSE**

Sir:

This Response is submitted in reply to the Office Action mailed on April 26, 2006. Claims 26-29 are pending in the present application. In view of the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Applicant respectfully traverses the rejections of claims 26-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable

over claims 1-18 of U.S. Patent No. 6,534,103 and claims 1-6 of U.S. Patent No. 6,352,731 and requests that the rejections be withdrawn.

In particular, Applicant submits that independent claim 26 of the present application recites the steps of applying heat to a kettle without PID temperature control to pop popping corn of a cold start batch and, for a subsequent batch, applying heat to the kettle with PID temperature control to pop the popping corn of the subsequent batch. Applicant respectfully submits that the combination of steps recited in independent claim 26 is not taught or suggested by claims 1-18 of the '103 patent or claims 1-6 of the '731 patent and the rejections should be withdrawn.

With respect to the rejections of claims 26-29 as being unpatentable over VandeWalker, U.S. Patent No. 4,182,229 in view of newly cited Cartwright et al., U.S. Patent No. 5,352,866, Applicant respectfully submit that these rejections are improper and should be withdrawn.

In particular, VandeWalker is directed to a popcorn popping machine that uses a heater to heat the kettle to a popping temperature set through manipulation of a variable resistor (see Col. 5, line 61-Col. 6, line 13). Upon reaching that temperature, a sensor and triac control the flow of current through the heater to maintain the set popping temperature (see Col. 6, lines 31-35). As Examiner properly recognizes, VandeWalker is completely silent with respect to the use of PID temperature control.

The secondary Cartwright et al. reference is directed to an oil fryer that incorporates PID control to control the temperature of oil within the oil vat. Applicant

submits that Cartwright et al. is completely silent with respect to heating of the oil within the vat without PID control during a cold start batch and, for a subsequent batch, applying heat to the oil vat with PID temperature control. Rather, Cartwright et al. teaches the use of PID temperature control during each heating cycle.

While Applicant respectfully submits that one of ordinary skill in the art would not be motivated to incorporate the PID control of Cartwright et al. into the popcorn machine of VandeWalker, Applicant submits that, in any event, the hypothetical combination fails to achieve Applicant's claimed invention as recited in independent claim 26 since the hypothetical combination would result in use of PID control for each batch, including the cold start batch.

Applicant respectfully submits that the prior art of record fails to teach or suggest heating of a kettle without PID temperature control for a cold start batch and with PID temperature control for a subsequent batch as recited in independent claim 26. Accordingly, allowance of independent claim 26 is respectfully requested.

Moreover, as claims 27-29 depend from allowable independent claim 26, and further as each of these claims recites a combination of steps not taught or suggested by the prior art of record, Applicant submits that these claims are allowable as well.

**Conclusion**

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicant does not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

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